

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSE A. VARGAS,

Plaintiff,

v.

LIEUTENANT SMITH and UNITED  
STATES OF AMERICA,

Defendants.

Case No. 16-cv-1376-JPG-SCW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 30) of Magistrate Judge Stephen C. Williams recommending that the Court grant the defendants’ motion for summary judgment (Doc. 19) on the grounds that plaintiff Jose A. Vargas failed to exhaust administrative remedies for his *Bivens* and Federal Tort Claims Act causes of action.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 30);
- **GRANTS** the defendants’ motion for summary judgment (Doc. 19);
- **DISMISSES** this case **without prejudice** for failure to exhaust administrative remedies;

and

- **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: January 30, 2018**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**